

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

CHRISTOPHER AVELLONE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. <u>CIV-21-1108-SLP</u>
	)	(State Court Case No. CJ-2021-4340)
KELLY RAE BRISTOL,	)	(District Court of Oklahoma County)
	)	
Defendant.	)	
	)	
	)	

**NOTICE OF REMOVAL**

TO THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF OKLAHOMA

1.     Notice. Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Fed. R. Civ. P. 81 and LCvR 81.2, Defendant, Kelly Rae Bristol (“Bristol” or “Defendant”), removes this action to the United States District Court for the Western District of Oklahoma, which is the judicial district in which the action is pending. In support of this Notice, Defendant states as follows:

2.     Attachment of State Court Papers. Pursuant to 28 U.S.C. § 1446 and LCvR 81.2, a copy of the Petition, which is the only state court pleading filed as of the time of removal, as well as a copy of the docket sheet, are attached hereto as Exhibits 1 and 2.

3.     The State Court Action. Plaintiff, Christopher Avellone (“Plaintiff” or “Avellone”) filed this action against Defendant on or about October 13, 2021, in the District Court of Oklahoma County, State of Oklahoma (Case No. CJ-2021-4340) (the “State Court Action”) (See Exhibit 1, Petition). Defendant was served on November 3,

2021.

4. Removal Is Proper. Removal to this Court from the District Court of Oklahoma County, State of Oklahoma, is proper pursuant to 28 U.S.C. §§ 1332(a), 1441 and 1446, because: (a) there is complete diversity of citizenship between Plaintiff and Defendant; and (b) the amount in controversy exceeds \$75,000.

**A. Diversity of Citizenship Exists**

5. Plaintiff Is Not a Citizen of Oklahoma: Plaintiff is a citizen and resident of Orange County, California. (See Exhibit 1, Petition ¶ 1).

6. Defendant Is a Citizen of Oklahoma. Defendant is a citizen and resident of the City of Oklahoma City, Oklahoma County, State of Oklahoma . (See Exhibit 1, Petition ¶ 2.)

**B. The Amount in Controversy Exceeds \$75,000**

7. Plaintiff Alleges Damages Exceeding the Jurisdictional Amount. In the Petition, Plaintiff claims damages in excess of Seventy-Five Thousand Dollars (\$75,000.00) —the amount required for diversity jurisdiction under 28 U.S.C. § 133. (See Exhibit 1, Petition at “WHEREFORE” paragraph). Mr. Avellone also alleges that, but for Defendant’s acts, he would have continued his career as a writer of “blue-chip gaming franchises’ (*id.* at ¶ 4.) Plaintiff also alleges that, as a result of Defendant, he has “lost and continues to lose employment, contractual and business opportunities” (*id.* at ¶ 58) as well as “emotional distress and mental anguish” (*id.* at ¶ 59.)

**C. The Removal is Timely and Procedure Is Proper**

1. Removal Within Thirty Days. This Notice of Removal is timely under 28

U.S.C. § 1446(b) because Defendant was served on November 3, 2021.

2. Notice of Filing. Written notice of the filing of this Notice of Removal will be given promptly to the Plaintiff, and a copy of the Notice of Removal will be filed with the Clerk of the District Court of Oklahoma County, State of Oklahoma, as provided by 28 U.S.C. § 1446(d).

3. Oklahoma County is Located Within This District. Removal to this Court is proper under 28 U.S.C. § 1441(a) because the District Court of Oklahoma County, State of Oklahoma, is located within this District. 28 U.S.C. § 116(c).

WHEREFORE, Defendant Kelly Rae Bristol removes this action to this Court and invokes this Court's jurisdiction.

Respectfully submitted,

/s/ Scott E. Kiplinger

Scott E. Kiplinger, OBA No. 33938

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*Attorney for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that on November 23, 2021, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following:

Eric D. Wade  
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*Attorney for Plaintiff*

/s/ Scott E. Kiplinger

Scott E. Kiplinger